No. 4

An excellent letter written by a Prisoner, to a worthy Member of the House of Commons, to give further evidence to the premiset.

Noble Sir,

IN the beginning of these troubles, I suffered a hard imprisonment under the Commissioners of Array (halfe a yeare) for refusing to submit to their usurped authority, afterwards for the same I was driven in Exile, and my means all that time possessed by them, and so I lived as a banished man from my Country for two yeares, untill the Reducement thereof to the obedience of Parliament. I was sent hither to give in a charge against some with us, whom the Parliament had declared *Trayters*, yet againe put into the highest places of trust and command in our Country by *Mr. B.* contrary to his oath and trust; upon the Houses receiving our charge, I expected that Mr. *B.* and others complained of, should have put in their answers, but in stead thereof, *I* was put to answer Interrogatories against my selfe, tending to the betraying the trust reposed in me. To which interrogatories, *I* desired time to advise to answer, thereupon *I* was committed by the House of Commons *unheard*, nor never so much as called to their bar, (a thing which the Heathen *Romans* abhorred to doe) upon the bare (though false) report of *Mr. L.* made to the house, *viz.* That I contemptiously refused to answer, it never being my intention to doe any thing in contempt of the House. Here *I* have laine nine months to my ruine, and the ruine of my wife and children, whilst the common enemies of the Kingdome (of whom we complaine) are continued in their authorities, contrary to law, you have by the Act made for the abolishing of the Star Chamber, confirmed *Magna Charta* and the Petition of Right, and amongst others the 4. chap. of the Statute of the 34. of *Ed.* 1. By which Statute it is granted, *That all men of this Kingdome shall have their Lawes, Liberties, and Free customes, as they have used the same, when they had them at the best. And if any Statutes have been made or custome brought in to the contrary thereof, the same to be void and frustrate for evermore.* And that this custome of committing men to prison,

for refusing to answer Interrogatories this way, is contrary to Law, and the liberty we have of old enjoyed, is cleer and manifest.

Sir you know that by *Magna Charta*, chap. the 29. No man is to be imprisoned but by the judgement of his Peeres and Equalls, or by the law of the Land, which is expounded by the Statute of the 25. of Ed. 3. chap. 4. To be by indictment or presentment of good and lawfull men (not of infamous persons) or by writ originall of the Common Law. And no man may be put to answer, without presentment before Iustices, or matter, of Record, according to the old Law of England, See the 28. of Ed. 3. chap. 3. and the 37. of Ed. 3. chap. 18. Touching long imprisonment, as it is most unjustly and wickedly practised at this day. The Law hath ever held the same so odious; that it hath provided, if the prisoner be not speedily and timely brought to his tryall or freed, he may have *gratis*, (without any fee) without delay or denyall, the Writ *De Odio et Atia*, for bayling him out of prison, though convict of murther, *Magna Charta* chap. 26.

But alas we have but the shaddow of it, we by the subtilty of Lawyers, are only free men in name, the English mans freedome is now become worse then the Turkish slavery, how many of us lye and languish in your murthering prisons (to the provoking of the God of Iustice unto wrath against you) & our wives & children thereby exposed to all want & misery, whose loud cries and teares (doubtlesse) will draw downe vengeance from the just hand of Heaven upon you (if not speedily prevented by administration of justice.) Wee have often with all earnestnesse, petitioned and solicited for liberty, yet can we not since the first Session of this Parliament get one Ordinance passed for it, whereas Traytors and Murtherers of their brethren can have (since the surrender of *Oxford*) many score of Ordinances passed for their liberty, peace and welfare.

The just God of Heaven and Earth be judge between you and us (that are not freed) yea many of us are still imprisoned without any legall charge brought against us, yet can we have no benefit of these lawes, which are not denyed to these enemies, murtherers and destroyers of their native Countrey. O where is justice! May not these royall Plunderers as well justifie all their Robberies and Depredations, as either our House of Commons, or the House of peers these kinds of Imprisonments, and commitments? Nay, is it not the greatest Injustice, when done under the colour of Iustice? Sir I assure you, it were lesse grievious unto us to dye at once, then thus to be inslaved and famished in your cruell Prison houses, where we are exposed to all misery, contempt, obliquie and scorne of the worst of men, and thereby the hearts of our wives and aged Parents are broken with sorrow and griefe. Sir, be pleased also to consider, how by these and the like doings, the affections of many thousands of the people is estranged from you, who have formerly adventured all to uphold you in your authorities. And if this course be continued, we shall not, we cannot thinke

and

ſaid lay leſſe, then that the Parliamente (and not the Prerogative) makes us a bondage and miſerable people. And ſome already doe not ſpare to ſay that the Parliament is now become the burthen of the Kingdome: If you intend to inſlave us ſtill, deale plainly with us and let us know it. You were intruſted by the people for their good, and not for the continuation of their Thraldome. We have not been failing on our parts, and by the bleſſing of God, have ſo far brought the common enemy of the Kingdome under your power, that there is none that dare to ſtand up againſt you, but ſome few in houlds, ſo as there is now no let nor other excuſe left, why the courſe of juſtice in a free currant ſhould be any longer obſtructed and hindered. The recovery whereof was the very end and cauſe of all our fightings. *Let us then have juſtice*, which without ſhewing your ſelves to be moſt unjuſt men, you cannot any longer deny unto us. Let not *Mancheſter*, *B.* and ſome other Achans amongſt you, be denyed juſtice, If they be wrongfully accuſed, they ought to be vindicated, if they be guilty of the accuſations againſt them, you cannot be guiltleſſe in not doing juſtice upon them, let neither their wealth, nor honour, nor their eminent places, ſerve them for a covering, or be any Sanctuary unto them, (*God is no reſpecter of perſons in judgement*) and are not you placed here betwixt God and us, to doe juſtice. But if you have reſpect of perſons, you diſhonour God, commit ſin, and ſtand convinced as tranſgreſſours of the Law. *James* 2. 9. The Lord alſo farther ſaith, *That yee ſhall doe no unrighteouſneſſe in judgement. Thou ſhalt not reſpect the Perſon of the poore*, nor honour the Perſon of the mighty, but in righteouſneſſe ſhalt thou judge thy neighbour, *Levit.* 19. 15. For whoſoever they be that pervert juſtice and judgement, are accurſed of God, ſee *Deut.* 27. 19.

If therefore you would be accompted, and numbred amongſt the Sonnes of wiſedome, and not amongſt thoſe that are under this courſe, doe juſtice freely, ſpeedily and impartially, let it never be ſaid of our higheſt court of Judicatory, as was ſome times of Romes Senate. *Dat veniam, corvis vexat cenſura columbos.* Why ſhould your friends periſh in your abominable Gaoles, (Hells Soule deſtroying houſes) whiles that yours, and the kingdomes profeſſed Enemies, the capitall tranſgreſſors of the Lawes are ſuffered freely to walke *London* ſtreets, to injoy their liberties with their ill gotten wealth, and to be ſo much honoured and truſted, as to ſit and vote amongſt you in you Councell, as *Thorp* the Lawyer doth, who endeavoured, councelled, & by threatnings attempted to have had *Hull* delivered up to the King, which when he could not effect, neither by threats nor by treacherie, he then cauſed Sir *John Hotham* to be proclaimed Traytor by two Heraulds at armes, for keeping the towne for the Parliament and Kingdomes uſe. Oh the miſery of theſe times!

Beheld, the whole Kingdome cryes aloud for Juſtice, the ſpoyled for reparations, and we your poore inſlaved Priſoners illegally committed, and uniuſtly detained in your ſeverall priſons, (Groaning under this Egyptian

Seruitude) cry out for iustice and their full liberty and deliuerance, according to law and iustice.

Wherefore Sir, if by your wisedome and excellent [illegible] (after [illegible] and [illegible]) may obtaine these our iust requests, millions and millions will haue cause to blesse God for you and eternize your name to all posterity, as one of the chiefe meanes of effecting our ancient birthright, liberty, of which number (though the least and vnworthy) I humbly will be one, neither vnthankefull nor forgetfull of so noble a fauour for the generall, nor of a Barr shall be more freely and nobly accomplished by you for the gaining of his liberty in particular, who is &c.

28. of the 17. Month.

[illegible] [illegible] [illegible] [